

IN RE: PETITION FOR ZONING VARIANCE  
N/S of Ruxton Road, 690' +/-  
W of Ellenham Avenue  
(1910 Ruxton Road)  
9th Election District  
4th Councilmanic District  
John H. Laporte, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 90-261-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 3 feet in lieu of the required 20 feet, a sum of the side yards of 24 feet in lieu of the required 5 feet, and a rear yard setback of 5 feet in lieu of the required 50 feet for a proposed garage addition as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Andrea B. Laporte, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 1910 Ruxton Road, consists of 0.924 acres zoned D.R. 1 and is improved with a two story single family dwelling, attached garage and swimming pool. Petitioners propose converting the existing garage to an enlarged kitchen and family room and constructing a new two car garage onto the existing structure. Testimony indicated that the surrounding properties are developed with single family dwellings and that her nearest neighbor, who would be directly affected by the proposed improvements, has indicated they have no objections to Petitioners' plans, as set forth in their letter dated October 3, 1989, marked Petitioner's Exhibit 2. Testimony further indicated that the requested variances will not result in any detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. The proposed conversion of the existing garage to an enlarged kitchen and family room will not afford this property two family status. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of January 1990 that the Petition for Zoning Variance to permit a side yard setback of 3 feet in lieu of the required 20 feet, a sum of the side yards of 24 feet in lieu of the required 50 feet, and a rear yard setback of 5 feet in lieu of the required 50 feet for a proposed garage addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioners shall not allow or cause the accessory structure (proposed garage) to be converted to a second dwelling unit and/or apartments.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

#### PETITION FOR ZONING VARIANCE # 124 90-261-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 To permit a side yard setback of 3 ft. & a sum of side yards of 24 ft. in lieu of the required 20 ft. & 50 ft. respectively & to permit a rear yard setback of 5 ft. in lieu of the required 50 ft.

1. House is located at one end of the property near the property line.
2. Existing driveway is near the property line.
3. Grading of site - land in front of house slopes.
4. Septic tank is located in front of house.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name) \_\_\_\_\_  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_

Legal Owner(s): \_\_\_\_\_  
(Type or Print Name) \_\_\_\_\_  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_

Attorney for Petitioner: \_\_\_\_\_  
(Type or Print Name) \_\_\_\_\_  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_

Attorney's Telephone No.: \_\_\_\_\_  
Address \_\_\_\_\_  
Phone No. \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this 18 day of Dec 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 2 day of Jan 1990, at 9:30 A.M.

FILED 10/5/89 BY JLL.  
Any Time n Day.  
Hearing Time 5 HR -

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
(over)

#### ZONING DESCRIPTION N/S 1910 RUXTON ROAD 9TH ELEC. DIST. BALTIMORE COUNTY, MD.

#124  
90-261-A

- BEGINNING in the center of Ruxton Road at a distance of 690'± west of the centerline of Ellenham Avenue, thence binding in the center of Ruxton Road
- 1 South 83°29' East 10 feet, thence
  - 2 North 04°40' East 169.97 feet, thence
  - 3 South 84°22' East 272.66 feet, thence
  - 4 North 41°30'20" West 185.30 feet, thence
  - 5 North 15°28'40" West 46.68 feet, thence
  - 6 North 84°02' West 169.85 feet, thence
  - 7 South 05°54' West 99.26 feet, thence
  - 8 South 23°56' East 81.68 feet, thence
  - 9 South 04°40' West 170 feet to the place of beginning.

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., December 7, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 6, 1989

TOWSON TIMES,

*S. Zeke Orlean*  
S. Zeke Orlean  
Publisher

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., December 7, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 7, 1989

THE JEFFERSONIAN,

*S. Zeke Orlean*  
S. Zeke Orlean  
Publisher

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3333

J. Robert Haines  
Zoning Commissioner

DATE: \_\_\_\_\_  
Mr. & Mrs. John H. Laporte  
1910 Ruxton Road  
Baltimore, Maryland 21204

Re:  
Petition for Zoning Variance  
CASE NUMBER: 90-261-A  
N/S of Ruxton Road, 690' +/- W of Ellenham Avenue  
1910 Ruxton Road  
9th Election District - 4th Councilmanic  
Petitioner(s): John H. Laporte, et ux  
HEARING SCHEDULED: TUESDAY, JANUARY 2, 1990 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 125.00 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 N. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

JRH:bjs  
cc: File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3333

J. Robert Haines  
Zoning Commissioner

November 30, 1989

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, in conformity with the Zoning Act and regulations of Baltimore County will hold a public hearing on the property identified below at Room 108 of the County Office Building, located at 111 N. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance  
CASE NUMBER: 90-261-A  
N/S of Ruxton Road, 690' +/- W of Ellenham Avenue  
1910 Ruxton Road  
9th Election District - 4th Councilmanic  
Petitioner(s): John H. Laporte, et ux  
HEARING SCHEDULED: TUESDAY, JANUARY 2, 1990 at 9:30 a.m.

Variance to permit a side yard setback of 3 feet and a sum of side yards of 24 feet in lieu of the required 20 feet and 50 feet, respectively and to permit a rear yard setback of 5 feet in lieu of the required 50 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

JRH:bjs  
cc: Mr. & Mrs. John H. Laporte



MR. & MRS. JOHN LAPORTE  
1910 RUXTON ROAD  
RUXTON, MD. 21204

10-5-89

AFTER SEEING YOUR PLANS FOR A NEW  
KITCHEN & GARAGE WHICH WILL BE BUILT WITHIN A  
FEW FEET OF OUR PROPERTY LINE, WISH TO ADVISE  
THAT SAME IS SATISFACTORY TO MRS. & MYSELF

SINCERELY

*[Signature]*

Petitioner's  
Exhibit 2

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3553

J. Robert Haines  
Zoning Commissioner

January 17, 1990

Mr. & Mrs. John H. Laporte  
1910 Ruxton Road  
Baltimore, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
N/S of Ruxton Road, 690' +/- W of Ellenham Avenue  
(1910 Ruxton Road)  
9th Election District - 4th Councilmanic District  
John H. Laporte, et ux - Petitioners  
Case No. 90-261-A

Dear Mr. & Mrs. Laporte:

Enclosed please find a copy of the decision rendered in the  
above-captioned matter. The Petition for Zoning Variance has been granted  
in accordance with the attached Order.

In the event any party finds the decision rendered is unfavor-  
able, any party may file an appeal to the County Board of Appeals within  
thirty (30) days of the date of this Order. For further information on  
filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: People's Counsel

File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3553

J. Robert Haines  
Zoning Commissioner

Your petition has been received and accepted for filing this  
18th day of October, 1989.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: John H. Laporte, et ux

Petitioner's Attorney:

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building, Suite 405  
Towson, Maryland 21204  
(301) 887-3554

November 9, 1989

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

RECEIVED  
NOV 16 1989

ZONING OFFICE

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number  
119, 120, 121, 122, 123, 124, 125, 126, and 127.

Very truly yours,

*Michael S. Flanagan*  
Michael S. Flanagan,  
Traffic Engineer Associate II

MSF/lab

# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 20, 1989

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

000

MEMBERS  
Bureau of  
Engineering  
Department of  
Traffic Engineering  
State Roads Commission  
Bureau of  
Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial  
Development

Mr. & Mrs. John H. Laporte  
1910 Ruxton Road  
Baltimore, MD 21204

RE: Item No. 124, Case No. 90-261-A  
Petitioner: John H. Laporte, et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Laporte:

The Zoning Plans Advisory Committee has reviewed the plans  
submitted with the above referenced petition. The following  
comments are not intended to indicate the appropriateness of  
the zoning action requested, but to assure that all parties are  
made aware of plans or problems with regard to the development  
plans that may have a bearing on this case. Director of  
Planning may file a written report with the Zoning Commissioner  
with recommendations as to the suitability of the requested  
zoning.

Enclosed are all comments submitted from the members of the  
Committee at this time that offer or request information on  
your petition. If similar comments from the remaining members  
are received, I will forward them to you. Otherwise, any  
comment that is not informative will be placed in the hearing  
file. This petition was accepted for filing on the date of the  
enclosed filing certificate and a hearing scheduled  
accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN  
COMMENTS TO MY OFFICE, ATTENTION JULIE MINILASKI. IF YOU HAVE  
ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

# BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: December 15, 1989

TO: J. Robert Haines  
Zoning Commissioner

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: John H. Laporte, et ux, Item 124  
Zoning Petition No. 90-261A

The Petitioners request a variance to side yard and rear yard  
setback requirements.

In reference to this request, staff offers no comment.

If there should be any further questions or if this office can  
provide additional information, please contact Jeffrey Long in the  
Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County  
Fire Department  
800 York Road  
Towson, Maryland 21204-2536  
(301) 887-4500

Paul H. Reicks  
Chief

OCTOBER 20, 1989

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JOHN H. LAPORTE  
Location: N/S OF RUXTON ROAD  
Item No.: 124  
Filing Agency: OCTOBER 17, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by  
this Bureau and the comments below are applicable and required to be  
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Jeffrey Long*  
Planning Group  
Special Inspection Division

Noted and

Approved *Jeffrey Long*  
Fire Prevention Bureau

JK/KEK

